IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7064 OF 2006

Hokumbai Ramesh Jain & ors ..Petitioners

V/s.

Suresh Jain & ors ..Respondents

Mr.Atul G. Damle for the petitioners

CORAM : S.C.DHARMADHIKARI, J.

DATE : 15TH JUNE, 2007

P.C.

1. Heard Mr.Atul G. Damale appearing for the petitioners. Perused impugned order with his assistance.

2. Considering nature of the relief claimed the learned Judge was right in holding right to sue would not survive in favour of the present petitioners and consequently, they are not liable to be impleaded as parties in substitution of the deceased sole plaintiff. The sole plaintiff was Director of the Company alongwith defendants. He filed his suit in his capacity as Director of the

Company to protect property of the Company. Upon his death, his heirs cannot claim such a relief. The petition therefore, is summarily dismissed.

(S.C.DHARMADHIKARI, J.)